

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

CAROLYN L. BEACH,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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No. 1:06-CV-48

Judge Collier / Judge Carter

**JUDGMENT ORDER**

On July 31, 2007, United States Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) in this case, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 13). Neither party has objected to the R&R within the given ten (10) days.

After reviewing the record, this Court agrees with the R&R. This Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendations.

Accordingly, this Court **ORDERS**:

- (1) The plaintiff’s motion for summary judgment on the pleadings (Court File No. 10) is **GRANTED**;
- (2) The defendant’s motion for summary judgment (Court File No. 11) is **DENIED**;
- (3) The Commissioner’s decision, denying the plaintiff a period of disability and disability insurance benefits under the Social Security Act, 42 U.S.C. §§ 416(I) & 423, is **REVERSED**; and
- (4) This matter is **REMANDED** to the Commissioner for **AN AWARD OF BENEFITS** with an onset date of May 26, 2004.

**SO ORDERED.**

**ENTER:**

/s/ \_\_\_\_\_

CURTIS L. COLLIER  
CHIEF UNITED STATES DISTRICT JUDGE

/s/ Patricia L. McNutt

PATRICIA L. McNUTT  
CLERK OF COURT